

UNLAWFUL TRADE PRACTICES UNDER THE CONSUMER PROTECTION PROCEDURES ACT

DC Code § 28-3904

District of Columbia Official Code 2001 Edition
Division V. Local Business Affairs
Title 28. Commercial Instruments and Transactions.
Subtitle II. Other Commercial Transactions.
Chapter 39. Consumer Protection Procedures.

§ 28-3904. Unlawful trade practices.

It shall be a violation of this chapter, whether or not any consumer is in fact misled, deceived or damaged thereby, for any person to:

- (a) represent that goods or services have a source, sponsorship, approval, certification, accessories, characteristics, ingredients, uses, benefits, or quantities that they do not have;
- (b) represent that the person has a sponsorship, approval, status, affiliation, certification, or connection that the person does not have;
- (c) represent that goods are original or new if in fact they are deteriorated, altered, reconditioned, reclaimed, or second hand, or have been used;
- (d) represent that goods or services are of particular standard, quality, grade, style, or model, if in fact they are of another;
- (e) misrepresent as to a material fact which has a tendency to mislead;
- (f) fail to state a material fact if such failure tends to mislead;
- (g) disparage the goods, services, or business of another by false or misleading representations of material facts;
- (h) advertise or offer goods or services without the intent to sell them or without the intent to sell them as advertised or offered;
- (i) advertise or offer goods or services without supplying reasonably expected public demand, unless the advertisement or offer discloses a limitation of quantity or other qualifying condition which has no tendency to mislead;

- (j) make false or misleading representations of fact concerning the reasons for, existence of, or amounts of price reductions, or the price in comparison to price of competitors or one's own price at a past or future time;
- (k) falsely state that services, replacements, or repairs are needed;
- (l) falsely state the reasons for offering or supplying goods or services at sale or discount prices;
- (m) harass, or threaten a consumer with any act other than legal process, either by telephone, cards, or letters;
- (n) cease work on, or return after ceasing work on, an electrical or mechanical apparatus, appliance, chattel or other goods, or merchandise, in other than the condition contracted for, or to impose a separate charge to reassemble or restore such an object to such a condition without notification of such charge prior to beginning work on or receiving such object;
- (o) replace parts or components in an electrical or mechanical apparatus, appliance, chattel or other goods, or merchandise when such parts or components are not defective, unless requested by the consumer;
- (p) falsely state or represent that repairs, alterations, modifications, or servicing have been made and receiving remuneration therefor when they have not been made;
- (q) fail to supply to a consumer a copy of a sales or service contract, lease, promissory note, trust agreement, or other evidence of indebtedness which the consumer may execute;
- (r) make or enforce unconscionable terms or provisions of sales or leases; in applying this subsection, consideration shall be given to the following, and other factors:
 - (1) knowledge by the person at the time credit sales are consummated that there was no reasonable probability of payment in full of the obligation by the consumer;
 - (2) knowledge by the person at the time of the sale or lease of the inability of the consumer to receive substantial benefits from the property or services sold or leased;
 - (3) gross disparity between the price of the property or services sold or leased and the value of the property or services measured by the price at which similar property or services are readily obtainable in transactions by like buyers or lessees;
 - (4) that the person contracted for or received separate charges for insurance with respect to credit sales with the effect of making the sales, considered as a whole, unconscionable; and
 - (5) that the person has knowingly taken advantage of the inability of the consumer reasonably to protect his interests by reasons of age, physical or mental infirmities, ignorance, illiteracy, or inability to understand the language of the agreement, or similar factors;

- (s) pass off goods or services as those of another;
- (t) use deceptive representations or designations of geographic origin in connection with goods or services;
- (u) represent that the subject of a transaction has been supplied in accordance with a previous representation when it has not;
- (v) misrepresent the authority of a salesman, representative or agent to negotiate the final terms of a transaction;
- (w) offer for sale or distribute any consumer product which is not in conformity with an applicable consumer product safety standard or has been ruled a banned hazardous product under the federal Consumer Product Safety Act (15 U.S.C. §§ 2051-83), without holding a certificate issued in accordance with section 14(a) of that Act to the effect that such consumer product conforms to all applicable consumer product safety rules (unless the certificate holder knows that such consumer product does not conform), or without relying in good faith on the representation of the manufacturer or a distributor of such product that the product is not subject to a consumer product safety rule issued under that Act;
- (x) sell consumer goods in a condition or manner not consistent with that warranted by operation of sections 28:2-312 through 318 of the District of Columbia Official Code, or by operation or requirement of federal law;
- (y) violate any provision of the District of Columbia Consumer LayAway Plan Act (section 28-3818);
- (z) violate any provision of the Rental Housing Locator Consumer Protection Act of 1979 (section 28-3819) or, if a rental housing locator, to refuse or fail to honor any obligation under a rental housing locator contract;
- (z-1) violate any provision of Chapter 46 of this title;
- (aa) violate any provision of sections 32-404, 32-405, 32-406, and 32-407;
- (bb) refuse to provide the repairs, refunds, or replacement motor vehicles or fails to provide the disclosures of defects or damages required by the Automobile Consumer Protection Act of 1984;
- (cc) violate any provision of the Real Property Credit Line Deed of Trust Act of 1987;
- (dd) violate any provision of title 16 of the District of Columbia Municipal Regulations;
- (ee) violate any provision of the Public Insurance Adjuster Act of 2002 [Chapter 16A of Title 31];
- (ff) violate any provision of Chapter 33 of this title;

(gg) violate any provision of the Home Equity Protection Act of 2007 [Chapter 24A of Title 42];
or

(hh) fail to make a disclosure as required by § 26-1113(a-1).

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